

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

CHARMAINE A. DIXON,

Plaintiff,

8:19-CV-0066

v.

SERGEANT COLON, *et al.*,

Defendants.

**THOMAS J. McAVOY,
Senior United States District Judge**

DECISION & ORDER

I. INTRODUCTION

This pro se action was referred to the Hon. Christian F. Hummel, United States Magistrate Judge, for an initial review pursuant to 28 U.S.C. § 1915(e). No objections to Magistrate Judge Hummel's June 24, 2019 Report-Recommendation and Order [Dkt. No. 6] have been filed, and the time to do so has expired.

II. DISCUSSION

Plaintiff brings this action pursuant to 42 U.S.C. § 1983 alleging that Defendants violated her constitutional rights pursuant to the Eighth Amendment by suspending her visitation with her incarcerated son. See *generally* Compl. Plaintiff asserts that she is "not looking for money damages" but rather to have her visitation restored. *Id.*, at 6. Magistrate Judge Hummel recommends that the Complaint be dismissed with prejudice because

Plaintiff does not retain a constitutional right to visitation with her incarcerated son, and because the suspension of Plaintiff's visitation privileges ended nearly two months ago making her requested relief moot. See Report-Recommendation and Order, at 5-7.

After examining the record, this Court has determined that the recommendation in the Report-Recommendation and Order is not subject to attack for plain error or manifest injustice.

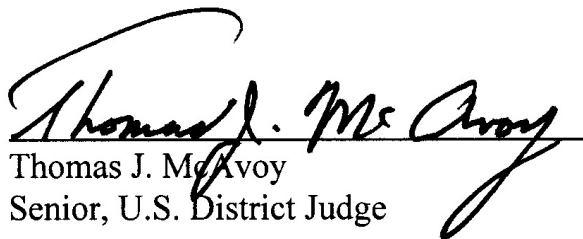
III. CONCLUSION

Accordingly, the Court **ACCEPTS and ADOPTS** the recommendation in the Report-Recommendation and Order [Dkt. No. 6] for the reasons stated therein. Therefore, it is hereby

ORDERED that Plaintiff's Complaint (Dkt. No. 2) is **DISMISSED with prejudice** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim on which relief may be granted.

IT IS SO ORDERED.

Dated: June 4, 2019


Thomas J. McAvoy
Senior, U.S. District Judge